

Message Text

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13

ACTION EA-14

INFO OCT-01 EUR-25 NEA-10 ISO-00 CIAE-00 DODE-00 NSAE-00

NSCE-00 SSO-00 USIE-00 INRE-00 PM-07 H-03 INR-10 L-03

NSC-10 PA-04 RSC-01 PRS-01 SPC-03 SS-20 IO-14 DPW-01

ACDA-19 DRC-01 /147 W

----- 016018

O R 161000Z DEC 73

FM AMEMBASSY SAIGON

TO SECSTATE WASHDC IMMEDIATE 0006

INFO USDEL JEC PARIS

AMEMBASSY MOSCOW

USLO PEKING

AMEMBASSY BUDAPEST

AMEMBASSY JAKARTA

AMEMBASSY TEHRAN

AMEMBASSY WARSAW

AMCONSUL DANANG

AMCONSUL NHA TRANG

AMCONSUL BIEN HOA

AMCONSUL CAN THO

UNCLAS SAIGON 20990

E.O. 11652: N/A

TAGS: MARR, VS

SUBJECT: COMMUNIST ATTACK ON FOUR PARTY JOINT MILITARY COMMISSION
HELICOPTERS

REF : SAIGON 20985

1. U.S. MISSION SAIGON ON AFTERNOON OF DECEMBER 16 DELIVERED
FOLLOWING NOTE OF PROTEST AND REQUEST FOR INVESTIGATION ADDRESSED
TO AMBASSADOR SADRI OF IRAN, CHAIRMAN FOR DECEMBER OF THE ICCS.
WE HAVE RELEASED TEXT LOCALLY TO THE PRESS.

2. BEGIN TEXT.

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DEAR MR. AMBASSADOR: THE AMERICAN AMBASSADOR TO THE REPUBLIC OF VIETNAM HAS DIRECTED ME TO RAISE WITH YOU URGENTLY THE FOLLOWING MATTER.

ON DECEMBER 15, 1973, AT APPROXIMATELY 0830 HOURS, THREE UNARMED HELICOPTERS OF THE TWO PARTY JOINT MILITARY COMMISSION (TPJMC), CLEARLY MARKED AND IDENTIFIED IN THE MANNER AGREED UPON BY THE PARTIES TO THE JOINT MILITARY COMMISSION, WERE ATTACKED BY AN ARMED FORCE OF COMMUNIST SOLDIERS IMMEDIATELY AFTER TOUCHING DOWN NEAR A PREPARED LANDING SITE AT XS 670870. THESE THREE HELICOPTERS WERE CONVEYING A TEAM FROM THE UNITED STATES JOINT CASUALTY RESOLUTION CENTER (JCRC) TO CONTINUE ITS SEARCH AND RECOVERY MISSION AT A CRASH SITE AT XS 668865 IN BINH CHANH DISTRICT, GIA DINH PROVINCE.

THE MEMBERS OF THE JCRC TEAM, ALL OF WHOM WERE UNARMED AND BORE ON THEIR UNIFORMS THE SAME INTERNATIONAL ORANGE IDENTIFICATION USED TO DISTINGUISH AIRCRAFT AND VEHICLES ENGAGED IN JOINT MILITARY COMMISSION ACTIVITIES, WERE IN THE PROCESS OF DISEMBARKING FROM THE HELICOPTERS WHEN THE COMMUNIST FORCE OPENED FIRE ON THEM WITH MACHINE GUNS, ROCKET LAUNCHERS AND INDIVIDUAL AUTOMATIC WEAPONS. IN ACCORDANCE WITH STANDARD REGULATIONS, ONE UNITED STATES OFFICER STOOD WITH HIS ARMS IN THE AIR TO DEMONSTRATE THAT THE TEAM PERSONNEL WERE UNARMED AND TO ENSURE THAT THE DISTINCTIVE JOINT MILITARY COMMISSION MARKINGS ON HIS UNIFORM WERE CLEARLY VISIBLE. HE WAS GUNNED DOWN IN COLD BLOOD FROM TWO POSITIONS ONLY 30 METERS AWAY, QUITE CLEARLY CLOSE ENOUGH FOR THE COMMUNIST SOLDIERS TO ASCERTAIN THE PEACEFUL NATURE OF THE MISSION. ONE HELICOPTER WAS IMMEDIATELY DESTROYED BY THE DIRECT HIT OF A ROCKET; IN ADDITION TO THE UNITED STATES TEAM MEMBER JUST MENTIONED, ONE REPUBLIC OF VIETNAM CREW MEMBER WAS KILLED AND FOUR OTHER UNITED STATES AND THREE OTHER REPUBLIC OF VIETNAM PERSONNEL WERE WOUNDED. THE REMAINING HELICOPTERS, THOUGH HIT AND DAMAGED, MANAGED TO EVACUATE THE WOUNDED PERSONNEL AND THE BODIES OF THE MURDERED PERSONNEL WHILE STILL SUBJECTED TO SUSTAINED HOSTILE FIRE.

THE HUMANITARIAN ACTIVITY IN WHICH THE AMERICAN AND VIETNAMESE PERSONNEL WERE ENGAGED AT THE TIME OF THIS OUTRAGEOUS ATTACK IS CALLED FOR UNDER ARTICLE 8(B) OF THE PARIS AGREEMENT OF JANUARY 27, 1973 AND ARTICLES 8 (D) AND 8 (E) OF THE JOINT COMMUNIQUE OF UNCLASSIFIED

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JUNE 13, 1973. ARTICLE 8 (E) ENJOINS THE PARTIES "TO TAKE ANY SUCH MEASURES AS MAY BE REQUIRED TO GET INFORMATION ABOUT THOSE STILL CONSIDERED MISSING IN ACTION."

IN ITS CONTINUING EFFORTS TO MAKE KNOWN THE PEACEFUL AND HUMANITARIAN NATURE OF THE JCRC MISSION AND TO ENSURE THE SAFETY OF THE PARTICIPATING PERSONNEL, THE UNITED STATES DELEGATION TO THE FPJMT UNDERTOOK THE FOLLOWING PREPARATORY ACTIONS:

A) ON DECEMBER 6, 1973, IT NOTIFIED THE REPUBLIC OF VIETNAM AND THE TWO COMMUNIST DELEGATIONS TO THE FPJMT OF THE PROJECTED JCRC CRASH SITE INVESTIGATION AND REQUESTED REPUBLIC OF VIETNAM AIRCRAFT SUPPORT FOR TRANSPORTATION.

B) ON DECEMBER 7, 1973, UPON RECEIPT OF THE CONCURRENCE OF THE REPUBLIC OF VIETNAM IN THE INVESTIGATION, THE U.S. DELEGATION NOTIFIED THE REPUBLIC OF VIETNAM AND THE COMMUNIST DELEGATIONS OF THE SCHEDULED COMMENCEMENT OF THE MISSION ON DECEMBER 10, 1973, THE SPECIFIC LOCATION FOR THE SEARCH, AND EXTENDED INVITATIONS TO THE OTHER DELEGATIONS TO PROVIDE OBSERVERS. THE TWO COMMUNIST DELEGATIONS RECEIPTED FOR, BUT FAILED TO REPLY TO THE UNITED STATES DELEGATION'S NOTES.

THE REFUSAL OF THE TWO COMMUNIST DELEGATIONS TO COOPERATE WITH THE JCRC MISSION IS CLEARLY CONTRARY TO THE PARIS AGREEMENT OF JANUARY 27 AND THE JOINT COMMUNIQUE OF JUNE 13, 1973. IT IS ALSO CONTRARY TO THE SPIRIT OF THE RESOLUTION OF NOVEMBER 12, 1973, OF THE 22ND CONVENTION OF THE INTERNATIONAL RED CROSS.

THE JCRC TEAM VISITED THE CRASH SITE ON DECEMBER 13 TO CONDUCT A PRELIMINARY INVESTIGATION IN ORDER TO ASCERTAIN ITS PHYSICAL CONDITION AND SECURITY. PREPARATIONS FOR A FULL AND COMPLETE SEARCH OF THE SITE BEGAN ON DECEMBER 14, THESE PREPARATIONS WERE MADE IN THE PRESENCE OF REPRESENTATIVES OF THE REPUBLIC OF VIETNAM DELEGATION TO THE FPJMT AND OF THE INTERNATIONAL PRESS.

THE MISSION HAD THUS BEEN IN PROGRESS TWO DAYS AT THE TIME OF THE UNPROVOKED ATTACK DESCRIBED ABOVE. THIS ESTABLISHES BEYOND THE SHADOW OF A DOUBT THAT THIS WAS A DELIBERATE ATTACK BY A HOSTILE FORCE WHO HAD INFILTRATED INTO THE AREA WITH THE UNCLASSIFIED

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INTENTION OF AMBUSHING THE JCRC TEAM.

THE UNITED STATES STRONGLY DENOUNCES THIS ATTACK ON THESE JOINT MILITARY COMMISSION HELICOPTERS AS AN EXTREMELY SERIOUS VIOLATION OF ARTICLE 3 (C) OF THE PARIS AGREEMENT, ARTICLE 2 (B) OF THE PROTOCOL CONCERNING THE CEASE-FIRE IN SOUTH VIETNAM, AND ARTICLE 4 OF THE JOINT COMMUNIQUE OF JUNE 13, 1973. THE UNITED STATES DELEGATION RESPECTFULLY REQUESTS THE INTERNATIONAL COMMISSION TO CONDUCT AN IMMEDIATE INVESTIGATION WITH THE PURPOSE OF PREVENTING THE REPETITION OF SUCH OUTRAGES.

THE UNITED STATES DELEGATION TO THE FPJMT STANDS READY TO PROVIDE ANY ASSISTANCE YOU MAY NEED TO FACILITATE THE INVESTIGATION. END TEXT.
MARTIN

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